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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2594 of 2007

Petitioner Laxminaryan Jaiswal, aged about 63 years, son of Late Shri Mahadeo Prasad Jaiswal, Resident of Bada Bazar, Chirimiri, District Korea, (C.G.)

Versus

Respondents

1. State of Chhattisgarh, through- Secretary, Department of School Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education officer, Korea, District Korea, C.G.
3. Administrator through Principal, Lahiri Multipurpose, Higher Secondary School, Chirimiri, District Korea, (C.G.)
4. The director, Directorate, Public Institution, Pension Bada, Raipur, C.G.

Writ petition under Article 226/227 of the Constitution of India

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**

Present: Mr. R.K. Jaiswal, Advocate for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on 30th Day of April, 2007)

1. By this petition, the petitioner who was working as Lecturer in Lahiri Multipurpose Higher Secondary School, Chirimiri, District- Korea is claiming the benefits of 5th Pay Commission at par with their counter part in the Government Schools. The 5th Pay Commission was to be granted with effect from 1.1.1996 in accordance with the Madhya Pradesh Revision of Pay Rules, 1998.

2. The petitioner retired from service on attaining the age of superannuation on 30.11.2000. This Court by the judgment and order dated 6.2.2007 in the

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case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005) held that the teachers working in government aided schools are entitled to the benefit of recommendations of the 5th Pay Commission. After the decision of this Court, the petitioner has filed this petition on 18.4.2007 claiming for the same relief after his retirement.

3. Learned counsel appearing for the petitioner submits that the petitioner has made representations on 24.3.2007 (Annexure P-3) and 26.3.2007 (Annexure P-4) to the respondents-authorities. It was not considered at all.

4. In view of the fact that the representations of the petitioner are pending consideration before authorities concerned. The respondents-authorities are accordingly directed to consider his representations dated 24.3.2007 (Annexure P-3) and 26.3.2007 (Annexure P-4) pending before the District Education Officer, Korea, District Korea and the Director, Public Instructions, Raipur in accordance with law, on its own merits, in the light of the judgment and order dated 6.2.2007 passed by this Court in the matter of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra)

5. This petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash